

1 A. Well, I'm not --

2 MR. AXLINE: Objection. Calls for  
3 speculation.

4 THE WITNESS: I'm not a remediation expert.  
5 So it's not for me to determine what should be done  
6 at this site, only that the results need to be that  
7 it is contained and prevented from impacting drinking  
8 water wells.

9 BY MR. ANDERSON:

10 Q. What evidence do you have that the  
11 MTBE has gone off site?

12 A. I have the Chevron's consultant's  
13 report.

14 Q. Is that the one dated January 30th,  
15 2008?

16 A. No, that's not the one I'm looking  
17 at.

18 I'm looking at a report dated December 14,  
19 2006.

20 Q. What tab is that behind?

21 A. 8.

22 Q. What makes you think it's gone off  
23 site in Tab 8 of the report?

24 A. Figure 7 is an isoconcentration  
25 contour map for MTBE and Chevron's consultant has

1 investigation to optimize well locations and  
2 sampling.

3 Q. Does OCWD plan to undertake that  
4 activity?

5 A. It hasn't been determined whether we  
6 are going to or not.

7 Q. Is there a timeline as to when it  
8 plans on making that determination?

9 A. No, there is no timeline.

10 Q. Earlier you said that you thought  
11 that MTBE had escaped remediation because there  
12 hadn't been any remediation; is that correct?

13 A. Well, yeah. That wasn't a  
14 completely correct statement. Insofar that I said  
15 that it's escaped remediation, there hasn't been  
16 remediation, unless there is some going on now. But  
17 the contamination is already off the site. So, in  
18 that sense, I guess it's escaped remediation.

19 Q. And do you think that the MTBE that  
20 has escaped remediation was significant?

21 A. Well, you asked me that already.

22 Q. I asked you whether or not the amount  
23 that had gone off site is significant. This is  
24 slightly different. The amount that's escaped  
25 remediation is significant.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898  
Ether ("MTBE") : MDL NO. 1358 (SAS)  
Products Liability : M21-88  
Litigation :

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This Document Relates to:  
Orange County Water District  
v. Unocal Corporation, et al.,  
S.D.N.Y. No. 04 Civ. 4968 (SAS)

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CONFIDENTIAL  
(Per 2004 MDL 1358 Order)

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OCTOBER 21, 2008  
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Videotaped Deposition of DAVID P. BOLIN,  
Volume 7, OCWD'S 30(b)(6) DESIGNEE, re Focus Plumes  
2, 7 and 9, held in the law offices of Latham &  
Watkins, 650 Town Center Drive, Suite 2000, Costa  
Mesa, California, beginning at 9:12 a.m., before  
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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877.370.3377 ph|917.591.5672 fax  
deps@golkow.com

1     sorry.

2                                 (Exhibit No. 91 was marked.)

3     BY MR. TEMKO:

4                 Q.     Mr. Bolin, have you seen Exhibit 91  
5     before?

6                 A.     Yes.

7                 Q.     What is that document?

8                 A.     This is a summary of information that  
9     I compiled in preparation for deposition.

10                Q.     What documents did you review to  
11     compile this summary?

12                A.     Many or all of the same documents I  
13     had identified earlier: Various quarterly monitoring  
14     reports; remediation reports; maps; well information,  
15     and data in the District's database; communications  
16     between regulatory authorities and the -- and Shell  
17     or Shell's consultant, and so on.

18                Q.     The information contained in this  
19     document, starting with Bates No. 001-192542, this is  
20     information relating to a well. Did that come from  
21     the OCWD WRMS database?

22                A.     Yes.

23                Q.     And how about the next part of  
24     Exhibit -- yes, Exhibit 91, starting with page  
25     001-192546, did that also come from the WRMS

1 database?

2 A. Yes.

3 Q. On the first page of Exhibit 91, up  
4 towards the top, you summarize some detections of  
5 contamination in groundwater off of the site; do you  
6 see that?

7 A. I believe I'm looking at the same  
8 thing. Are you referring to B-11, B-8, B-7?

9 Q. No. I was looking at starting in  
10 line 5 -- lines 5 through 12 of the exhibit.

11 A. Yes. That's what I'm looking at.  
12 You mentioned off site. Wells B-11, B-8, B-7 are off  
13 site.

14 Q. I see. And the other ones are on  
15 site?

16 A. They are -- I consider them to be  
17 within the site boundary, near the site margin.

18 Q. Can you tell, from looking at those  
19 data summaries, whether the contamination detected  
20 comes from a release of gasoline before MTBE was  
21 added to the gasoline?

22 A. No, I cannot.

23 Q. Do you know when MTBE was first added  
24 to the gasoline for Shell in Southern California?

25 A. I don't.

1 of the fact that the Orange County health -- that the  
2 Orange County Water District intends at some point,  
3 at some sites, to conduct its own remediation?

4 A. I believe they are.

5 Q. And what's your basis for saying  
6 that?

7 A. We've had similar conversations with  
8 them. Specifically Ken Williams is aware we have a  
9 dispute. We're evaluating these various sites, and  
10 that we will eventually -- we will be conducting our  
11 own -- installing our own wells, collecting our own  
12 data, and designing and implementing remediation  
13 systems at selected locations, and that we will be  
14 keeping them apprised of all of our activities,  
15 similar to Orange County Health Care Agency.

16 Q. And as with the Orange County Health  
17 Care Agency, you have not yet laid any groundwork for  
18 how that coordination would occur?

19 A. That's correct.

20 Q. What's the basis for OCWD's  
21 contention that contamination has escaped remediation  
22 at 6502 Bolsa?

23 A. Contamination has been detected in  
24 off-site wells. And although I'm not a remediation  
25 expert, it doesn't appear that remediation that's

1 is, that you continued to monitor the site in the way  
2 you described by, principally, periodically reviewing  
3 information on Geotracker?

4 A. That is correct.

5 MR. TEMKO: I am going to ask the court  
6 reporter to mark as Exhibit 93 a multipage summary  
7 document regarding the Westminster Shell station.

8 (Exhibit No. 93 was marked.)

9 BY MR. TEMKO:

10 Q. Mr. Bolin, Exhibit 93 is a summary  
11 document that you prepared with respect to the  
12 Westminster Shell site in connection with your  
13 preparation for the deposition, correct?

14 A. That's correct.

15 Q. And this, like the similar summary  
16 report that you prepared for 6502 Bolsa, was a  
17 document that you put together to assist you in your  
18 testimony by synthesizing materials from the types of  
19 documents you referred to earlier, including  
20 groundwater monitoring reports and other regulatory  
21 reports, correct?

22 A. That's correct.

23 Q. Exhibit 93 indicates that the initial  
24 MTBE detection in groundwater occurred in 1996 in  
25 MW-6; do you see that?



1 detection in December of 2007.

2 Q. Which was 1.2 ppb?

3 A. Which is 1.2 parts per billion.

4 Q. And that MW-8 is also a monitoring  
5 well off site to the south of the service station  
6 site, correct?

7 A. The well is located south-southwest  
8 of -- it is off site, on Westminster Avenue, a little  
9 bit east of the optimal downgradient direction;  
10 whereas, MW-9 would be to the southwest, a little bit  
11 west of the optimal downgradient direction.

12 Q. Although, isn't MW-8 pretty well  
13 situated between Westminster Shell and HB-7 and  
14 HB-13?

15 A. The well, the geographic location, is  
16 more in line -- more on the line of -- a line -- if  
17 you draw a line from Westminster Shell to HB-7 or  
18 HB-13, MW-8 is closer to that well than MW-9. But  
19 given that groundwater flow fluctuates in the shallow  
20 zone, the flow direction fluctuates in the shallow  
21 zone, it doesn't -- the fact that MW-8 is more in  
22 line between HB-7, HB-13 and Westminster Shell is not  
23 significant.

24 Q. Why is that?

25 A. Because groundwater flow may be in a



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898  
Ether ("MTBE") : MDL NO. 1358 (SAS)  
Products Liability : M21-88  
Litigation :

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This Document Relates to:  
Orange County Water District  
v. Unocal Corporation, et al.,  
S.D.N.Y. No. 04 Civ. 4968 (SAS)

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(Per 2004 MDL 1358 Order)

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Wednesday, October 29, 2008  
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Videotaped Deposition of DAVID P. BOLIN,  
Volume 8, OCWD'S 30(b)(6) DESIGNEE re Focus Plumes  
5 and 8, held in the law offices of Latham &  
Watkins, 650 Town Center Drive, Suite 2000, Costa  
Mesa, California, beginning at 9:05 a.m., before  
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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deps@golkow.com

1 MR. KATZ: And I will just say on the record  
2 that there's been many speeches that have been made  
3 by plaintiff's counsel, to which I haven't responded,  
4 and that silence should not ever be interpreted as  
5 agreement or assent with the comments that have been  
6 made, but I'm simply trying to use the time that we  
7 have here today to ask the witness questions and have  
8 the witness respond to me. And I will be happy to  
9 talk to plaintiff's counsel about these issues when  
10 we're not on the clock.

11 MR. SAWYER: Well, my job is to make sure  
12 the deposition is conducted efficiently during the  
13 course of the deposition, not afterwards. I will  
14 object on the grounds it's been asked and answered.

15 THE WITNESS: Can you repeat the question,  
16 please.

17 BY MR. KATZ:

18 Q. Has MTBE or TBA escaped from  
19 remediation at Unocal 5356?

20 MR. SAWYER: Same objections.

21 THE WITNESS: I'm not an expert in regards  
22 to remedial technologies. But having said that, I  
23 believe that it has.

24 And the reason I believe that it has is  
25 because there's an example where there was purging

1 going on at the site, and then on June -- in June  
2 2001, after purging was halted, they tested for the  
3 presence of MTBE and TBA. And MTBE was detected at  
4 87,000 micrograms per liter, and TBA was detected as  
5 1,100,000 micrograms per liter both in well MW-9.

6 Now, that suggests to me that they had  
7 stopped their remedial -- the applied remedial  
8 technology at that time, and they are still have  
9 exceptionally elevated concentrations of MTBE and  
10 TBA. That tells me that it hasn't been remediated.

11 BY MR. KATZ:

12 Q. Is -- are there ongoing remediation  
13 activities at Unocal 5356?

14 A. I'm a little flabbergasted by your  
15 question. We just talked about activities taking  
16 place, and we talked about a work plan at some  
17 length, the work plan, comments to the work plan.  
18 And I said that sparging was initiated in April '04.  
19 And, to my knowledge, there is still some ongoing  
20 remediation activities at the site.

21 Q. How much MTBE or TBA has escaped from  
22 remediation at Unocal 5356?

23 A. I don't know.

24 MR. SAWYER: Objection -- let me get my  
25 objections in next time. That's fine.

1 question.

2 Let's mark as Exhibit --

3 (Discussion held off the written record.)

4 (Exhibit No. 112 was marked.)

5 MR. CORRELL: Here's Exhibit 112. And, sir,  
6 like I said before, we will go into this in much more  
7 detail probably tomorrow.

8 MR. SAWYER: Geez, I can't wait.

9 BY MR. CORRELL:

10 Q. You see in -- Exhibit No. 112 are the  
11 notes that you made relating to the Chevron Station  
12 No. 1921, correct?

13 A. Yes.

14 Q. And it says, "Fuel leaks were  
15 detected at the site in 1988 and 1990." Do you see  
16 that?

17 A. Yes, I do.

18 Q. And then the first monitoring well  
19 that tested MTBE was when, July of '96?

20 A. Yes, I believe that's correct.

21 Q. So for over a decade there's been  
22 MTBE contamination at this site?

23 MR. SAWYER: I object to the use of the term  
24 "site." It's vague and ambiguous.

25 BY MR. CORRELL:

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 IN RE:

4 Methyl Tertiary Butyl: Master File No. 1:00-1898  
5 Ether ("MTBE") : MDL NO. 1358 (SAS)  
6 Products Liability : M21-88  
7 Litigation :  
8

9  
10 This Document Relates to:  
11 Orange County Water District  
12 v. Unocal Corporation, et al.,  
13 S.D.N.Y. No. 04 Civ. 4968 (SAS)  
14 /

15 CONFIDENTIAL  
16 (Per 2004 MDL 1358 Order)

17 -----  
18 Thursday, October 30, 2008  
19 -----  
20

21 Videotaped Deposition of DAVID P. BOLIN,  
22 Volume 9, OCWD'S 30(b)(6) DESIGNEE re Focus Plumes  
23 8 and 4, held in the law offices of Latham &  
24 Watkins, 650 Town Center Drive, Suite 2000, Costa  
25 Mesa, California, beginning at 8:28 a.m., before  
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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28  
29 deps@golkow.com

1 groundwater elevations from those water level  
2 measurements and have drawn a -- this contour map  
3 in -- based on that data.

4 And it shows that the contours indicate  
5 groundwater gradient flows outward from the site to  
6 the west; in the west part of the site to the south;  
7 in the south part of the site, and then to the  
8 southeast -- I mean, I'm sorry, the southwest, in the  
9 southwest part of the site.

10 And the most downgradient wells in those  
11 directions are MW-15 to the west, MW-14 to the  
12 southwest, and MW-13 to the south. And  
13 concentrations have been detected in these wells --  
14 let's see. I have not been detected -- I -- I'm  
15 sorry, has been detected in MW-15, which is off site;  
16 MW-14, which is right at the site margin but is the  
17 most downgradient site for the southwest direction,  
18 and then also in MW-13. And no additional  
19 investigation has been completed further downgradient  
20 from these locations.

21 That suggests to me that since there is  
22 contamination in these wells and it has not been  
23 delineated downgradient from these locations, that it  
24 has escaped the site.

25 Q. Do you consider the monitoring

1 wells to be part of the site?

2 A. The monitoring well -- no, I don't.  
3 The monitoring wells are off -- well, some monitoring  
4 wells on site are part of the site. Monitoring wells  
5 off site are not part of the site. They are  
6 investigation wells associated with the off-site  
7 migration of contamination, but they are not part of  
8 the site.

9 Q. Okay. For example, Monitoring Wells  
10 13 and 15 were drilled by Chevron's consultants  
11 pursuant to regulatory oversight of the Regional  
12 Board, correct?

13 A. I don't recall.

14 MR. SAWYER: Let me see -- let me get in an  
15 objection. Assumes facts not in evidence.

16 THE WITNESS: I don't recall what prompted  
17 Chevron's consultant to drill those wells.

18 BY MR. CORRELL:

19 Q. But they are wells that Chevron  
20 drilled or its consultant -- or its consultants?

21 MR. SAWYER: Objection. Lack of foundation.

22 THE WITNESS: I believe they are.

23 BY MR. CORRELL:

24 Q. And so when you say "it's escaped the  
25 site," even if contamination leaves the physical



1 boundary of the site, it may still be addressed by  
2 the site investigation?

3 A. Yes.

4 Q. And isn't the site investigation at  
5 Chevron 1921 addressing that contamination that's  
6 left the physical boundary of the site by drilling  
7 and monitoring these wells?

8 MR. SAWYER: Objection. Overly vague.  
9 Ambiguous. Lack of foundation. Assumes facts not in  
10 evidence. I also object to the extent it asks for  
11 expert opinion, which is beyond the scope of this  
12 deposition and premature.

13 THE WITNESS: It did. The wells were  
14 drilled a long time ago. So it appears that because  
15 so much time has gone by since these particular wells  
16 were drilled and tested -- or drilled, that it  
17 appears that Chevron's consultant has discontinued  
18 their downgradient investigation.

19 BY MR. CORRELL:

20 Q. Well, they continue to monitor wells  
21 14, 15 and 13, correct?

22 A. Yes, they do.

23 Q. And in your review of the regulatory  
24 files and the quarterly and annual consultant  
25 reports, have you seen any suggestions by either the

1 MR. CORRELL: Let's go off the record for  
2 just a second.

3 MR. SAWYER: Yes, let's go off the record.

4 THE VIDEOGRAPHER: Going off the record.  
5 The time is 9:50 a.m.

6 (Off the record.)

7 THE VIDEOGRAPHER: Back on the record. The  
8 time is 9:53 a.m.

9 (Exhibit Nos. 120 and 121 were.  
10 marked.)

11 BY MR. CORRELL:

12 Q. Mr. Bolin, we went off the record,  
13 and you helped orient me to two documents. One is  
14 marked as Exhibit No. 120. It is a December 27, 2007  
15 Atlas report, and it was behind Tab 9 in your binder?

16 A. I believe that's correct.

17 Q. And then Exhibit 121, which is a  
18 July 15, 2008 report from Atlas that was behind Tab 7  
19 in your binder?

20 A. I believe that's correct.

21 Q. And we are going to turn to Figure 3  
22 on both of them. And the Bates number for Exhibit  
23 120's Figure 3, OCWD-MTBE-001-245298. And for  
24 Exhibit No. 121, the same prefix, and then 245182.

25 And before all this, I think I asked you why

1 you believe contamination had escaped the site?

2 A. On both these maps it identifies  
3 off-site wells, wells outside the specific site  
4 boundary, in which -- and I have marked these. I  
5 have compared these with data tables in these same  
6 reports, the same exhibits you mention, indicating  
7 there's been detections in these off-site wells of  
8 MTBE and, I believe, TBA.

9 Q. Okay. And you have highlighted areas  
10 showing groundwater flow?

11 A. Yes, I do.

12 Q. And so which -- which wells in Figure  
13 3 indicate to you that contamination has escaped the  
14 site?

15 A. Let's see. Contamination has been  
16 detected in almost every well that's been drilled and  
17 tested. I see -- based on my notes, I see three  
18 wells, perhaps four wells, that have been drilled and  
19 tested in which MTBE has not been detected. At least  
20 three of those are off site. I'm not certain about a  
21 fourth location.

22 The specific wells in which MTBE has been  
23 detected -- or MTBE and/or TBA has been detected is  
24 MW-22, MW-13, MW-15, MW-24. And I'm not certain  
25 where the south site boundary is marked. I believe,

1 MW-11, MW-12, MW-17, MW-21, MW-23, and MW-16, I  
2 believe are off site. But, again, I'm not certain of  
3 that.

4 Q. And those have detections off site?

5 A. Well, if -- those are what I believe  
6 are off-site wells. They have had detections.

7 Q. Okay. Has contamination escaped  
8 remediation at this site?

9 MR. SAWYER: Objection, to the extent it  
10 asks for expert opinion. Vague. Ambiguous. Lack of  
11 foundation.

12 THE WITNESS: Similar to the previous  
13 station we discussed, I'm not an expert on remedial  
14 technologies, but I believe that MTBE and/or TBA has  
15 escaped remediation from the site.

16 BY MR. CORRELL:

17 Q. And why do you believe that?

18 A. Because there's been detections in  
19 these off-site wells, and I do not believe that the  
20 on-site remedial activities has been able to  
21 recapture the contamination that's flowed off site.

22 Q. When did contamination escape  
23 remediation at this site?

24 MR. SAWYER: Objection, to the extent it  
25 calls for speculation. Lack of foundation. Or calls

1 for expert testimony.

2 THE WITNESS: I'm not an expert in remedial  
3 technologies, so I don't know when it has escaped.

4 BY MR. CORRELL:

5 Q. Based upon the monitoring data, is  
6 there a date by which you do know it escaped?

7 MR. SAWYER: Objection. Vague. Ambiguous.  
8 Lack of foundation.

9 BY MR. CORRELL:

10 Q. And the way this question is a little  
11 different is, I'm not trying to wedge you to a date,  
12 but sometimes people know things. Would it have  
13 happened at least by "X" date?

14 MR. SAWYER: Same objections.

15 THE WITNESS: No. I don't know when that  
16 would have occurred. I can only go on the data  
17 that's been provided by G & M's consultant and refer  
18 to that data as to when detections were made.

19 BY MR. CORRELL:

20 Q. When detections were made in off-site  
21 wells?

22 A. In off-site wells. We saw off-site  
23 and on-site wells.

24 Q. Okay. Going back to your notes,  
25 which I believe were Exhibit 118 --

1 escaped the site?

2 MR. SAWYER: Objection. Vague. Ambiguous.  
3 Lack of foundation. And also object to the extent it  
4 asks for expert opinion.

5 THE WITNESS: Given that I'm not an expert,  
6 I can't comment on remedial capture, but I believe  
7 that it has certainly left the site. It's outside  
8 the site boundary. And by that I believe it's  
9 escaped the site.

10 BY MR. CORRELL:

11 Q. And do you believe it's escaped the  
12 remediation at the site?

13 MR. SAWYER: Objection. Argumentative.  
14 Asked and answered.

15 THE WITNESS: I'm not a remedial expert, but  
16 I believe that it is outside the effective remedial  
17 measures at this site. So it has, in effect, escaped  
18 remediation.

19 BY MR. CORRELL:

20 Q. Have significant amounts escaped  
21 remediation?

22 MR. SAWYER: Objection. Lack of foundation.  
23 Vague. Ambiguous.

24 THE WITNESS: Well, I don't know what you  
25 mean by "significant." My understanding is that the

1       contamination has escaped off site, in off-site  
2       wells, and has not been delineated further  
3       downgradient from these wells. It's outside the  
4       remedial reaches of ongoing activities at the well --  
5       or at the site and, therefore, has escaped  
6       remediation.

7       BY MR. CORRELL:

8               Q.       But you don't know whether or not the  
9       amount that escaped is significant?

10              MR. SAWYER: Objection, insofar as you use  
11       the term "significant," which is vague and ambiguous.  
12       Asked and answered.

13              THE WITNESS: I don't know what  
14       "significant" means. It is meaningful to me, in that  
15       it is not being captured by activities at the site.

16       BY MR. CORRELL:

17              Q.       Do you know when MTBE or TBA  
18       contamination had escaped remediation at the site?

19              MR. SAWYER: Same objections.

20              THE WITNESS: No, I don't.

21                               (Exhibit Nos. 126, 127 and 128.  
22                               were marked.)

23       BY MR. CORRELL:

24              Q.       If you will turn to Exhibit 128, sir,  
25       of the Komex report.



1 Q. Including ARCO 3085?

2 A. That's correct.

3 Q. Would it be fair to say that by  
4 July 11th, 2005, the date of this fax transmittal,  
5 that OCWD had identified ARCO 3085 as a site that it  
6 wanted to investigate further?

7 A. I think so.

8 MS. WEIRICK: Mr. Bolin, I'd like to turn to  
9 your notes on ARCO 3085. I'm handing these to the  
10 court reporter, your notes, Mr. Bolin. The exhibit  
11 number will be 135?

12 THE REPORTER: 134.

13 (Exhibit No. 134 was marked.)

14 MR. SAWYER: Just a point of clarity. Were  
15 these actually attached to his notes, these maps, or  
16 is this just a -- well, never mind. Maybe you can  
17 ask the witness. I just don't remember ever maps  
18 being attached to these kinds of things.

19 BY MS. WEIRICK:

20 Q. Mr. Bolin, are these the notes that  
21 you prepared for ARCO 3085?

22 A. Yes.

23 Q. Did your -- when you prepared these  
24 notes, did you also attach the maps that are located  
25 directly after the typed information?

1 A. Yes.

2 Q. When did you prepare these notes?

3 A. Recently, within the last couple of  
4 weeks.

5 Q. And how much time did you spend on  
6 preparing them?

7 A. I don't know. I had prepared for to  
8 answer questions on this site, similar to my  
9 preparation for answering questions on other sites.  
10 I don't recall how much time was specifically spent  
11 on this site.

12 Q. And why did you prepare these?

13 A. Because I was asked to answer  
14 questions as part of this deposition.

15 Q. So these will help you answer those  
16 questions, correct?

17 A. Yes.

18 Q. What documents are your notes based  
19 on?

20 A. The same documents that I had listed  
21 earlier.

22 Q. The same categories, correspondence  
23 from the Regional Board --

24 A. Yes.

25 Q. -- reports that had been submitted?

1 area of the property for potential locations for  
2 monitoring wells.

3 Q. OCWD has actually looked at the  
4 property formerly known as ARCO 3085 to determine  
5 whether monitoring wells should be established there?

6 A. No. No. That's not what I said.

7 I said the area which involves public  
8 right-of-ways outside of this site boundary.

9 Q. Anything else on Exhibit 48?

10 A. No.

11 Q. Does OCWD believe that any additional  
12 or different investigation should have been conducted  
13 at ARCO 3085?

14 MR. SAWYER: Okay. Objection. Vague.  
15 Ambiguous. I also object to the extent it  
16 constitutes an improper contention question. Beyond  
17 the scope of this witness's qualifications regarding  
18 remediation, in view of his past testimony. Asked  
19 and answered.

20 THE WITNESS: I'm not a remedial  
21 expert. But given that there is contamination that  
22 was released from this site, got into groundwater,  
23 has migrated off site and has not been captured by  
24 remedial activities at this site, additional  
25 activities might have involved containing that